



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

MALIBU MEDIA, LLC,

Plaintiff,

vs.

MICHAEL COLVIN,

Defendant.

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Case No. 2:14-cv-1130

Judge Michael H. Watson

Magistrate Judge Terence P. Kemp

DECLARATION OF KESSIA C. CERICOLA, ESQ.

I, Kessia C. Cericola, state from personal knowledge that:

1. I am the trial attorney for Defendant Michael Colvin in the above captioned case.
2. I am submitting this declaration in support of Defendant Michael Colvin's Motion For Leave To File An Amended Answer To Plaintiff's Amended Complaint.
3. On or about January 21, 2015, Mr. Colvin retained Dahman Law, LLC to represent him in this lawsuit.
4. I inadvertently filed Defendant Michael Colvin's Amended Answer to the Amended Complaint (the "Amended Answer") without seeking Plaintiff's consent or the court's leave.
5. I did not act in bad faith and I did not intend to cause undue delay.
6. Plaintiff's counsel expressed his desire to move to strike the Amended Answer during the February 17th Preliminary Pretrial Conference, and agreed to talk with me regarding the issue.

7. On February 17, 2015, I reached out to Plaintiff's counsel via email in an attempt to clarify the issue.

8. On February 18, 2015, Plaintiff filed its Motion to Strike the Amended Answer.

9. Upon learning of the Motion to Strike the Amended Answer, I immediately emailed Plaintiff's counsel and requested his consent to file the Amended Answer.

10. Plaintiff's counsel did not respond to my email.

I declare under penalty of perjury under the laws of the United States of America, including 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on March 5, 2015.



Kessia C. Cericola